

IN SENATE OF THE UNITED STATES.

APRIL 17, 1848.

Submitted, and ordered to be printed.

Mr. DAVIS, of Massachusetts, made the following

REPORT:

[To accompany bill S. No. 221.]

The Committee on Patents and the Patent Office, to whom was referred the petition of Betsey Anderson, Alvina Severence, Alphonso L. Anderson, and Almaza Denton, of Hardwicke, in the Commonwealth of Massachusetts, report:

That the petitioners allege that they are the widow and children, and heirs at law of Timothy P. Anderson, deceased, but do not adduce strict legal proof thereof.

They allege that on the 23d day of December, 1833, a patent was granted to said Timothy, for a new and useful improvement in the economy of water power by means of a graduated spout or trough, which patent being, as prescribed by law, for the term of fourteen years, expired on the 24th of December, 1847. The original patent, with the schedule or specifications, is filed with the petition.

They allege that the patentee died on the 9th of April, 1842, very poor, and in fact insolvent, which is proved by affidavits filed with the petition.

They allege that the invention is one of great merit, utility, and value, and as far as the committee are competent to judge, and from the affidavits filed, it would seem to be of such character.

They allege that, without any fault or neglect of the patentee, and on account of his ill health and the want of pecuniary means to bring his invention into practical use, he was not enabled to receive from the sale or use of it adequate reward or remuneration therefor; that he did not keep any regular account of his receipts and expenditures, and therefore the petitioners cannot file such account; but that insolvency at his decease, and their knowledge of his transactions and business enables them to say (and these allegations are satisfactorily proved to be true by affidavits and certificates of several persons filed with the petition) that his invention was no profit to him.

The petitioners state further that, in November, 1847, a few days before the patent expired, they applied to the Commissioner of Pa-

tents for an extension of said letters patent, but on the first day of December, 1847, they were informed by the commissioner that there was not time for the proper proceedings to be had by that office to extend the patent before it expired. They allege as their excuse for not making an earlier application, their want of correct information as to the requirements of the law on that subject; and the committee would remark, that the provisions of the act of Congress making it necessary to apply for an extension at least sixty days before the patent expires are not *express*, but only to be *implied* from the requirements that public notice shall be given of the time and place of hearing, and in the inhibition against extending any patent *which has expired*, and the rule adopted by the "board" requiring such sixty days public notice in all cases.

The committee subjoin to this report a letter from the Commissioner of Patents in relation to the case, in answer to a request from the chairman of the committee, requesting full information as to the facts, and his opinion of the case.

Upon the whole, a majority of the committee, upon the testimony adduced, decide to report a bill authorizing and directing the Commissioner of Patents, upon the surrender of the former patent, to issue a new patent reciting the same and this act, and securing and extending said patent to the widow and heirs at law of said patentee, and for the term of seven years from and after the passage of this act.

PATENT OFFICE, *March 20, 1848.*

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, referring to me, in behalf of the Committee on Patents and the Patent Office of the Senate, the petition of the heirs of T. P. Anderson, praying for the extension of the patent granted to the said Anderson for a mode of applying water to water-wheels, and asking my opinion in relation to the subject of said petition; and in reply have to state, that I have caused an examination to be made into the novelty and patentability of said invention, and find that when the same was patented it was both novel and useful. Upon this point I would respectfully refer the honorable committee to the report of the examiner, addressed to me, and herewith enclosed.

I would further state that it is true, as is alleged by the petitioners, that application was made to me for an extension of the patent of the late Mr. Anderson, in the mode pointed out in the 18th section of the act of July 4, 1836, but I declined to receive the application on the ground that it had not been made in season to enable me to give the reasonable public notice required by law in such cases.

The novelty and utility of the invention are settled by the report of the examiner, before referred to. With regard to the fact whether or not the inventor made, in his lifetime, due diligence in

introducing his invention into public use, and failed to receive from its sale an adequate compensation for his time, trouble, and expense in originating and perfecting it, I have no means of knowing, except from the papers filed with the petition, and referred to me by the committee.

I have the honor to be, very respectfully, your obedient servant,

EDMUND BURKE.

Hon. JAMES D. WESTCOTT,

*Chairman of the Committee on Patents and the
Patent Office, Senate United States.*

PATENT OFFICE, *March 18, 1848.*

SIR: I have respectfully to report, that the mode of applying water to water-wheels, for which letters patent were granted to T. P. Anderson, on the 23d of December, 1833, was, in my opinion, new and useful at the time of granting said patent.

Respectfully submitted.

W. P. N. FITZGERALD,
Examiner of Patents.

To the Hon. EDMUND BURKE,
Commissioner of Patents.

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introducing his invention into public use, and failed to receive from its sale an adequate compensation for the time, trouble, and expense in originating and perfecting it. I have no means of knowing, except from the papers filed with the petition, and referred to me by the Commissioner, I have the honor to be very respectfully your obedient servant.

EDWARD BURKE

Hon. JAMES D. WATSON

Chairman of the Committee on Patents and the
Patent Office, U.S. Patent Office, U.S. Patent Office, U.S. Patent Office

Patent Office, March 12, 1873.
Sir: I have respectfully to report that the mode of applying water to water-wheels for which letters patent were granted to T. P. Harrison, on the 23d of December, 1833, was in my opinion new and useful at the time of granting said patent. Respectfully submitted.

W. R. N. FITZGERALD

To the Hon. Edward Burke,
Commissioner of Patents.